

HOUSE BILL REPORT

ESSB 5959

As Passed House - Amended:

March 13, 2008

Title: An act relating to expanding availability of housing for individuals and families at risk of homelessness.

Brief Description: Providing assistance to individuals and families who are homeless or at risk of being homeless.

Sponsors: By Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Kilmer, Shin, Sheldon, Kohl-Welles, Delvin and McAuliffe).

Brief History:

Committee Activity:

Housing: 1/31/08, 2/27/08 [DPA];

Appropriations: 3/1/08 [DPA(APP w/o HOUS)].

Floor Activity:

Passed House - Amended: 3/7/08, 65-29.

Senate Refused to Concur.

Passed House - Amended: 3/13/08, 95-2

Brief Summary of Engrossed Substitute Bill (As Amended by House)

- Creates the Transitional Housing Operating and Rent program to assist homeless individuals and families, and individuals and families at risk of homelessness, secure and retain housing.
- Repeals a statute which exempts landlords who rent to released offenders from liability from civil damages arising from tenant criminal conduct.

HOUSE COMMITTEE ON HOUSING

Majority Report: Do pass as amended. Signed by 4 members: Representatives Miloscia, Chair; Springer, Vice Chair; Lias and Ormsby.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass. Signed by 2 members: Representatives McCune and Schindler.

Staff: Robyn Dupuis (786-7166).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Housing. Signed by 23 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Cody, Conway, Darneille, Ericks, Fromhold, Grant, Green, Haigh, Hunt, Hunter, Kagi, Kenney, Kessler, Linville, McIntire, Morrell, Pettigrew, Priest, Schual-Berke, Seaquist and Sullivan.

Minority Report: Do not pass. Signed by 11 members: Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Chandler, Hinkle, Kretz, McDonald, Ross, Schmick and Walsh.

Staff: Debbie Driver (786-7143).

Background:

Transitional Housing Operating and Rent (THOR) Program

The Transitional Housing Operating and Rent (THOR) program has operated within the DCTED since 1999, however it is not currently in statute. The THOR program is the result of a decision of the Washington State Supreme Court mandating that the DCTED and the Department of Social and Health Services (DSHS) create the Homeless Families with Children Plan and provide services to assist homeless children and their families. In 1999 the Legislature included a budget proviso of \$5 million for the 1999-2001 biennium to fund the program that became known as THOR, as well as several other initiatives to help homeless families with children. The THOR funding has remained consistent at \$5 million each biennium since 1999.

THOR Activities: Under the THOR program, the DCTED distributes funds to counties based upon the homeless funding formula used by the U. S. Department of Housing and Urban Development. The counties and their service providers choose a "lead agency" which may provide THOR services itself and may also subcontract with other service providers in the area. Services available through THOR include rental assistance, operating subsidies for transitional housing facilities, and case management.

THOR Eligibility: Only families with children and with a household income at or below 50 percent of the area median income are eligible to receive THOR services.

THOR Results: The THOR client data is reported to the DCTED twice a year and a follow-up survey is conducted with past program participants between six and 18 months following their exit from the THOR program. In state Fiscal Year 2007, 1,563 families received THOR services and 571 exited the THOR program. Of those exiting, 70 percent achieved permanent housing and of those families, 47 percent obtained unsubsidized housing. It is estimated that

the THOR program is meeting approximately 24 percent of the need of families with children for transitional housing assistance and services.

Offender Housing Landlord Civil Liability

The 2007 Legislature passed ESSB 6157 which addressed provisions that affected offenders leaving confinement. Part VI of the bill dealt with housing provisions and established that a landlord who rents to an offender is not liable for civil damages arising from the criminal conduct of the tenant if the landlord:

- (a) discloses to residents of the property that he or she rents or has a policy of renting to offenders; and
- (b) takes steps to report or halt criminal activity if the landlord has actual knowledge of criminal activity on the landlord's premises.

Summary of Amended Bill:

Transitional Housing Operating and Rent (THOR) Program

- The THOR program is created in the DCTED to assist individuals and families at risk of homelessness or who are already homeless secure and retain housing. The DCTED provides grants to eligible organizations to provide housing related assistance to eligible program participants. Eligible organizations include nonprofit agencies, local governments, housing authorities, and Indian tribes. Eligible organizations receiving over \$500,000 from the THOR program, as well as from other state housing programs or local housing surcharges, must submit an application for an assessment of their quality management system to the WSQA program. A non-appropriated THOR Account is created.

Organizations receiving THOR funding must use the monies for:

- (a) rental assistance;
- (b) case management services;
- (c) operating expenses of transitional housing facilities that serve homeless families with children; and
- (d) organizational administrative costs (within limits prescribed by the DCTED).

The following are eligible for THOR services if they are homeless or at risk of becoming homeless and if they are willing to participate in a housing stability plan:

- (a) families with children who have household incomes at or below 50 percent of the median family income;
- (b) families with children receiving child welfare services;
- (c) individuals or families without children who have household incomes at or below 30 percent of the median family income;
- (d) individuals or families with an adult member who has a mental health or chemical dependency disorder; and
- (e) individuals or families with an adult member who is an offender released within the past 18 months.

Data on program participants must be entered into the Washington homeless client management information system. Domestic violence and sexual assault providers must comply with federal data requirements.

The DCTED must include an annual THOR report in its state Homeless Housing Strategic Plan. The report must include specific performance measures related to the accomplishment of self-sufficiency for participants, program financial performance, quality of information on participants, and program participant satisfaction. The DCTED is directed to define self-sufficiency.

Repeal of 59.18.600: The statute, RCW 59.18.600, which exempts landlords who rent to released offenders from liability from civil damages arising from tenant criminal conduct (under certain conditions) is repealed.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: (Housing)

(In support) The state point in time homeless counts have demonstrated that individuals (families without children) have few resources and the expansion of the THOR program to assist individuals as well as families will help individuals access housing and services. Furthermore, providing housing resources for individuals experiencing other challenges like mental health, substance abuse, and offender re-entry issues would fulfill a great need in our local communities. Funding must go along with these expanded eligibility allowances. This is a great example of a private-public partnership that has proven results.

(Concerns) The section that requires data collection should be amended to ensure the privacy protection of victims of domestic violence and sexual assault.

(Opposed) None.

Staff Summary of Public Testimony: (Appropriations)

(In support) The bill codifies the THOR program which provides housing assistance to homeless families with children. Currently, THOR meets about 24 percent of the need for housing assistance and this bill will expand the program to populations not currently served. The bill would improve housing opportunities for those at risk of homelessness and to homeless families without children and single families as these types of individuals make up half of homeless populations. This bill provides an effective method of assisting homeless families and those at risk of becoming homeless. Also, the bill establishes the Affordable Housing For All Program which was amended on to the bill in the House Housing Committee which is supported.

(Opposed) None.

Persons Testifying: (Housing) (In support) Mia Wells, Washington State Coalition for the Homeless; Ben Beries, Children's Home Society of Washington; Debra Nielsen, Mason County Shelter; and Nick Federici, United Way of King County.

(Concerns) Grace Huang, Washington State Coalition Against Domestic Violence.

Persons Testifying: (Appropriations) Seth Dawson, Washington State Coalition for the Homeless; and Nick Federici, Washington Low-Income Housing Alliance and United Way of King County.

Persons Signed In To Testify But Not Testifying: (Housing) Lonnie Johns-Brown, Solutions; and Donald Chamberlain, Building Changes Washington Families Fund.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.